

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of I.P.T., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARLITTA RACHELLE TRIBBLE,

Respondent-Appellant,

and

PHILIP B. THOMAS,

Respondent.

UNPUBLISHED

December 17, 2002

No. 238602

Wayne Circuit Court

Family Division

LC No. 93-311450

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

MEMORANDUM.

Respondent Marlitta Tribble appeals as of right the order terminating her parental rights to the minor child. We affirm. Respondent father has not appealed.

Respondent came to the attention of the court when the child tested positive for cocaine at birth. Respondent received no prenatal care during her pregnancy. Evidence was presented that respondent's parental rights to five other siblings were terminated under similar circumstances, and that respondent failed to cooperate with Family Independence Agency workers. Her parental rights were terminated under MCL 712A.19b(3)(b)(i) and (ii), (g), (i), and (l).

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341, 350; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*, 356.

There is clear and convincing evidence to support the termination of respondent's parental rights. Respondent caused the child physical injury by using cocaine during her pregnancy, and causing him to suffer withdrawal symptoms after birth. She had the opportunity to prevent the physical injury. Respondent made no effort to provide proper care and custody for the child. Her parental rights to five other siblings were terminated for the same type of conduct evident in this case. There was no evidence that termination would not be in the best interests of the child.

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Mark J. Cavanagh